



Human rights at the local and regional level

A PLATFORM FOR POLICY AND OPERATIONAL DEVELOPMENT



Swedish Association
of Local Authorities
and Regions

Introduction

In 2014, the Swedish Association of Local Authorities and Regions (SALAR) entered a three-year agreement with the Government that focuses on strengthening the work on human rights in municipalities, county councils and regions. A great deal of excellent work is already being done in municipalities, county councils and regions without it being labeled human rights. Furthermore, active development work is being pursued within the framework of the UN's global goals for sustainable development, Agenda 2030, the objectives of which includes safeguarding human rights.

In order to put into concrete terms what human rights means in a Swedish local and regional context, SALAR has developed a platform for policy and operational development. The idea is for the platform to work as a point of departure and a development tool when management within the areas of politics and administration wish to strengthen their work on human rights at the local and regional levels.

The platform is not a brief summary of or an introduction to human rights. For those who wish to know more a compilation of sources that may be of use can be found in the end of this publication.

The platform has been developed in collaboration with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund. We would like to thank all the researchers, elected representatives, representatives of civil society and the civil servants who, in different ways, have contributed to the basic data on which to build the continuing human rights work at the local and regional level in Sweden.

Stockholm, March 2017

Emil Broberg
3rd Vice Chair
Swedish Association of Local Authorities and Regions

Human rights

Introduction

“In Sweden, the municipalities, county councils and regions play an important role in the implementation.”

Through ratifying regional and international conventions, the Swedish State has undertaken to respect, protect, promote and fulfill human rights. By way of constitutional laws, the Local Government Act and special law, Swedish legislation governs how these commitments are to be implemented nationally. In Sweden, the municipalities, county councils and regions play an important role in the implementation as places and organisations where human rights must be respected, protected and fulfilled on a daily basis.

A number of surveys have revealed that there is a need for increased understanding of how human rights commitments affect decision-making and organisations locally and regionally.

RESPECT, PROTECT, FULFILL AND PROMOTE

- › Rights are respected when national and local authorities guarantee that they themselves will not violate anyone's human rights, whether this results from the actions of individual employees or is sanctioned by management.
- › Rights are protected when national and local authorities ensure that others do not prevent anyone from accessing their human rights.
- › Rights are fulfilled and promoted when national and local authorities conduct initiatives to realise human rights.



Representative democracy is the basis for local and regional decision-making. In order to ensure welfare in both the short and long term, municipalities, county councils and regions play a number of different roles. They are societal actors, democracy actors, welfare actors and employers. These four roles are, therefore, the starting point for each of the chapters of the platform. Under each heading there is a short introduction followed by the important features of a municipality, a county council or a region that has the ambition to strengthen its systematic work on human rights. The platform will also be complemented with promising practices.

This platform is to be viewed as a tool for development and a point of departure for policy and operational development.

Aim and target group

This platform aims to highlight what policy-makers in municipalities, county councils and regions specifically need to do in order to strengthen their systematic work on human rights, as established in the regional and international conventions. It should be viewed as a development tool and a point of departure for policy and operational development.

Method

Discussing human rights in a Swedish context has proven to be important since countries have different ways of organising society, which in practice entails varying divisions of responsibility in relation to the implementation of their international commitments. To ensure the content of the platform, SALAR has collaborated with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, RWI, in Lund.



Together with RWI, SALAR gathered Swedish and international researchers, practitioners, elected representatives and civil society representatives over the course of three days. The aim was to determine the characteristics of a Swedish municipality or county council/region that endeavours to promote human rights in their various roles. Prior to the seminar, the researchers wrote academic articles on the theme of “What characterises a Human Rights City and Human Rights Region?”. Representatives of civil society wrote articles on the same theme. In addition, RWI conducted interviews with representatives of municipalities and regions.

The platform has subsequently been discussed in different contexts and has been compared with international conventions and a number of global and local charters.

Definitions

The following terms are used in the platform:

1. **Citizen** – In this document the word “citizen” is used – in the sense of citizen of society – as a collective term for everyone living, working, staying in or are affected by the municipality, county council or region.
2. **All** – Human rights apply to all people without distinction of any kind, be it gender, ethnicity, nationality, religion/belief, disability, sexual orientation, gender expression or gender identity, age, level of education or social status. Therefore, the term “all” is used.

Terms used in the
platform



Important principles

Human rights are universal and no one may be deprived of them. They are also mutually dependent on each other and indivisible, that is to say, they should not be ranked or addressed in isolation. According to the UN, a rights-based method of working should also respect a number of implementation principles. Six such important principles are:

1. **Non-discrimination and equality** – no one may be treated worse than anyone else, or be subjected to rules and criteria that make it more difficult for one group, if these requirements are not relevant to the performance of a task. It is also important to remember that different groups are not homogeneous, but are made up of distinguishable individuals.
2. **Participation and inclusion** – surveys, analysis, planning, implementation and follow-up must guarantee that all individuals/groups constituting the target group are also included. Participation makes it possible for individuals and groups particularly affected by planning, decisions or the like to take part in and influence the work.
3. **Transparency and responsibility** – in order to know whether, and if so how, public authorities work on guaranteeing human rights, there is a need for transparency in policy-making processes and decisions. If the rights holder does not know what decisions have been made and who is ultimately responsible, the rights holder does not have the opportunity to lodge objections to these decision-makers.

Six important principles

Human Rights Cities

“There is no international standard for Human Rights Cities.”


A number of cities around the world have labeled themselves Human Rights Cities, for example, Graz and Vienna in Austria, York in the United Kingdom, Utrecht and Middelburg in the Netherlands, Montreal in Canada and Eugene in the USA. There is no international standard for Human Rights Cities. The initiative in designating oneself a Human Rights City has also been taken by various interested parties, for example, representatives of civil society or individual politicians. The subsequent processes have, therefore, also differed, with everything from long-term processes with broad participation to rapid political decisions made by officials such as a mayor.



The commitment of being a Human Rights City has, following the decision, been used locally as a point of departure for governance and management, organisational/operational development, dialogue with citizens, associations and industry. In those cities where the political leadership has taken this commitment seriously, the results on the part of the cities have been an increase in attractiveness as an employer and as a location for business start-ups, and there has been an observed increase in trust between citizens and between citizens and local authorities.

Some characteristics of a Human Rights City:

- It works to ensure that all people have the same rights, regardless of time and place.
- It works based on the premise that all rights are equally important and part of the same whole.
- It takes into account the requirement of respecting, protecting and fulfilling all rights in its various roles and activities.
- It protects human rights through independent mechanisms and procedures.
- It informs its citizens and employees of their rights and how to demand and request them.
- It endeavours to realize human rights for all citizens as well as everyone else affected by local and regional decisions.
- It ensures the implementation of anti-discrimination practices and that citizens are included in the planning, implementation and follow-up activities.
- It approaches the work on human rights as a long-term undertaking that requires broad political support.



Inform and make
citizens and employees
aware of their rights.

Systematic human rights work

Regardless of whether or not the aim is to commit formally to become a Human Rights Municipality, a Human Rights County Council or a Human Rights Region, the human rights work in Sweden needs to be concretised and systematised in order to permeate the organisation. This platform can, therefore, be used irrespective of whether or not municipalities, county councils or regions make such a commitment.

The ambition to become a Swedish Human Rights Municipality, Human Rights County Council or a Human Rights Region entails a clarification of the commitments governed by the Constitution, anti-discrimination legislation, the Local Government Act and special legislation. How these are then to be realised is to be determined by each municipality, county council and region based on their own unique conditions.

However, it can generally be said that the following points are particularly important to strive for:

1. A local community where all people take active responsibility for ensuring human rights and when doing so collaborate with civil society and other actors.
2. Knowledge and awareness of human rights among elected representatives, civil servants, citizens and civil society.
3. A commitment to incorporate human rights in formal guidelines, procedures and activities to support the respect, protection, fulfillment and promotion of human rights.

Increase the knowledge on human rights



4. To identify any dilemmas and conflicts arising when the various rights are realised.
5. To ensure that human rights are respected, protected and fulfilled when signing public contracts and other legal agreements.
6. To develop appropriate mechanisms to monitor and communicate results on a regular basis.

The role as societal actor

“The aim is for human rights to permeate a municipality, county council or region.”

The municipality, county council and region encompass a demarcated geographical area. As a societal actor, human rights have consequences in activities such as city planning and sustainable development.

When the aim is for human rights to permeate a municipality, county council or region, it is important that people are aware of their rights, respect the rights of others and know how to demand these rights. This applies to everyone living, working and being active there.



In addition, it is an important principle that people are involved in decisions that have an impact on them. This relates to different decisions concerning, for example, policies, priorities, measures or initiatives. It is particularly important to ensure that underrepresented groups are given a voice on equal terms.

“It is an important principle that people are involved in decisions that have an impact on them.”

As a societal actor, the municipality, county council and region shall endeavour to...

1. Ensure that all public premises and public places are made accessible and available to all.
2. Ensure that all citizens feel safe and counteract all types of discrimination and hate crime.
3. Attempt to plan, build and invest based on the basis of the economic, social and cultural situation of all citizens taking particular consideration for underrepresented groups.
4. Involve all citizens affected in planning and development processes.
5. Take into account the right to a future of current and future generations and, therefore, endeavour to address the social and environmental factors that encroach on the enjoyment of human rights, such as noise, water and air pollution.
6. Contribute to the ability of everyone to practice their own religion.
7. Strive for reduced residential segregation.

Endeavour to involve all affected citizens in planning and development processes.

The role as democracy actor

The promotion of human rights is essential to preserve a democratic society. The rights and freedoms accorded to people in Sweden are primarily protected by three fundamental laws: the Constitution, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The Constitution establishes that public power must be exercised with respect to everyone's equal value and to the freedom and dignity of the individual.

In Sweden, local and regional representative democracy has as a base the political parties. It is within free, general and secret elections that citizens claim responsibility for previous political decisions and determine which party that shall represent them in the coming term of office. Ensuring human rights requires a long-term political commitment that transcends party and bloc boundaries.

It is, thus, essential for local and regional democracy that processes are created that foster trust in representative democracy and its practitioners. But, also that trust in society is built on a horizontal trusting relationship between individuals and groups. Clearly defined and long-term efforts for human rights can increase engagement and participation in the structuring of society.

Human rights require a long-term political commitment that transcends party and bloc boundaries.



As a democracy actor, the municipality, county council and region shall endeavour to...

1. Ensure the mechanisms of representative democracy, such as freedom of opinion, freedom of association and assembly, general and secret elections, the right of participation.
2. Communicate information so that it is accessible and available to all.
3. Openly audit their decision-makers.
4. Involve citizens early in the development of both political and policy content, priorities and decision-making, and ensure that underrepresented groups can make their voices heard.
5. View the knowledge and experience of citizens as a resource in the development of the local community.
6. Develop and support political leadership that contributes to human rights permeating both the structure and culture of the local and regional level.
7. Contribute to conflict resolution in difficult and complex problems in society.
8. Create the opportunity for all citizens to report whether they find their rights to be violated.
9. Contribute to creating meeting places for people with different backgrounds.
10. Ensure that all elected representatives have a knowledge and understanding of how human rights impact their own role.



Contribute to conflict resolution in complex social issues

The role as welfare actor

“Human rights serve here as an important point of departure for proactive work.”

In Sweden, the municipalities, county councils and regions play an important role in terms of the implementation of UN conventions concerning economic, social and cultural rights. Such rights include the right to health, education, housing and work.

How these rights are to be realised is subject to local and regional political decisions. A conflict may rise between the objective of fulfilling human rights and the resources that are available. This explains why these rights are often formulated as a mission to promote a right. Human rights in this respect serve as an important point of departure for proactive work that leads to reduced quality deficiencies and a more effective use of resources.

A large proportion of public funding goes to financing activities carried out by the private sector or in various types of partnerships. Governance through agreement and authorisation in part requires other mechanisms than those used in activities under public management. In addition, procurements and investments are pursued that impact on people's access to their rights also outside the boundaries of the municipality, county council, region as well as country.

As a welfare actor, the municipality, county council and region shall endeavour to...

1. Integrate systematic work to ensure human rights in their operations, which includes budget, policy and action plans, and systematically monitor, analyse and report results based on a rights perspective.
2. Develop leadership and values based on human rights.
3. Implement and follow up the principle of non-discrimination in their services.
4. Ensure that everyone's needs regarding support and service are observed, with particular attention to underrepresented groups and individuals in vulnerable situations.
5. Involve people in the planning of, decisions on and the implementation of different services. View the knowledge and experience of citizens as a resource in the development of welfare services.
6. Ensure legally secure decisions and processes.
7. Create accessible and transparent systems so that everyone can follow information that concerns themselves.
8. Ensure that all suppliers in all parts of the supply chain adhere to the requirements inherent in human rights.
9. Develop mechanisms to be able to monitor and, where necessary, invalidate agreements where the supplier or sub-supplier has not adhered to human rights requirements.



Create accessible and transparent systems



The role as employer

Municipalities, county councils and regions are major employers. This means that they are workplaces that not only need to cater to the human rights of users, patients, clients and pupils in the provision of service, but are also places where the employees' own rights must be ensured. Swedish anti-discrimination legislation, among other things, governs the relationship between employer and worker/employee.

As an employer, the municipality, county council and region shall endeavour to...

1. Ensure that no one is discriminated against in conjunction with employment, salary determination, parental leave and other leave.
2. Work actively to counteract indirect and direct discrimination.
3. Ensure that all elected representatives and employees, both management and staff, have knowledge and understanding of how human rights impact their role as employer, leader, manager and co-worker.
4. Promote an organisational culture based on the equal dignity and rights of all people.
5. Clarify the responsibility of the employer and employees in relation to conventions and legislation.
6. Create independent structures so that employees can report if anyone's human rights are being violated.
7. Safeguard the employees' freedom of expression.

Work actively against discrimination

Reading material

Equality Ombudsman

www.do.se

Human rights at home, DO, 2014

<http://www.do.se/stodmaterial/kommun-landsting-och-civilsamhalle/manskliga-rattigheter-pa-hemmaplan/>

EU

Understanding the EU's fundamental rights

<http://fra.europa.eu/en/joinedup/tools/understanding-fundamental-rights>

European Union Agency for Fundamental Rights, FRA

www.fra.europa.eu

FRA's tool box "Joining up fundamental rights"

<http://fra.europa.eu/en/joinedup/home>

Council of Europe

European Convention on Human Rights

www.echr.coe.int/Pages/home.aspx?p=basictexts/convention

UN

What are Human Rights?

<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

Indicators

<http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>

Swedish Association of Local Authorities and Regions

www.skl.se/mr

The magazine Human Rights [Mänskliga Rättigheter] SALAR, 2016

<http://webbutik.skl.se/sv/artiklar/magasinet-manskliga-rattigheter.html>

Human rights at the local and regional level – international outlook with a focus on governance and management, SALAR, 2016

<http://webbutik.skl.se/sv/artiklar/manskliga-rattigheter-pa-lokal-och-regional-niva.html>

Human rights in municipalities, regions and county councils – analysis of the work with human rights and the desire for support in this work, SALAR, 2014

<https://skl.se/demokratiledningstyrning/manskligarattigheterjamstallldhet/overenskommelsemrutvecklingsarbete/kartlaggningmrarbete.8399.html>

The Swedish Government

www.manskligarattigheter.se

The Government's strategy for the national work with human rights
<http://www.regeringen.se/rattsdokument/skrivelse/2016/10/skr-20161729/>

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law

Human Rights Cities and Regions - Swedish and International Perspectives (2017)
<http://rwi.lu.se/2017/03/defining-human-rights-cities/>

Other

Global Urban Justice - The Rise of Human Rights Cities, Cambridge, 2016
<http://www.bokus.com/bok/9781316668832/global-urban-justice/>

Manual on human rights at the municipal level, Fritzes, 2008
<https://skl.se/download/18.68e4adfe147afac12a46c539/1409140824984/Handbok-i-manskliga-rattigheter-kommunal-niva.pdf>



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In Sweden, the municipalities, county councils and regions play an important role in the implementation of human rights. These are places and organisations where rights must be respected, protected, fulfilled and promoted on a daily basis. However, surveys have revealed that there is a need for increased understanding with regard to how these human rights commitments undertaken internationally by Sweden affect decision-making and organisations locally and regionally. In order to put into concrete terms or concretize what human rights means in the Swedish local and regional context, SALAR has developed a platform for policy and organisational development. The idea is for the platform to work as a point of departure and a development tool when management within the areas of policy and administration wish to strengthen their work with human rights.

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